

CITY OF EL PASO, TEXAS
AGENDA ITEM DEPARTMENT HEAD'S SUMMARY FORM

CITY CLERK DEPT.

2011 JUL 19 PM 2:45

DEPARTMENT: Engineering & Construction Management

AGENDA DATE: July 26, 2011

CONTACT PERSON/PHONE: R. Alan Shubert, City Engineer

DISTRICT AFFECTED: 8

SUBJECT:

Item is to request approval of a resolution authorizing the City Manager to execute, on behalf of the City of El Paso, an overhead electrical easement to El Paso Electric Company as part of a power distribution upgrade at 1725 Arizona Drive, a City-owned property.

BACKGROUND / DISCUSSION:

This easement consists of a 5 ft. by 206.36 ft. aerial easement, running parallel with the alley-side property line of 1725 Arizona, also known as the A.B. Fall Mansion. A renovation project managed by City Engineering is currently in process and the building's design plans require a power supply upgrade to a three-phase system.

PRIOR COUNCIL ACTION:

Council has not previously considered this item.

AMOUNT AND SOURCE OF FUNDING:

There are no costs associated with this action.

<u>Project</u>	<u>Fund</u>	<u>Department</u>	<u>Account</u>
~	~	~	~

BOARD / COMMISSION ACTION:

(N/A)

*****REQUIRED AUTHORIZATION*****

DEPARTMENT HEAD: _____



Information copy to appropriate Deputy City Manager

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City Manager be authorized to sign an Overhead Electrical Easement to the El Paso Electric Company for the purpose of providing upgraded electrical service to a City building at 1725 Arizona Avenue, said easement being more particularly described as a portion of Lots 11 through 17, Block 5, Golden Hill Subdivision, City of El Paso, El Paso County, Texas.

ADOPTED THIS _____ DAY OF _____, 2011.

THE CITY OF EL PASO

John F. Cook
Mayor

ATTEST:

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:



Cynthia Osborn
Assistant City Attorney

APPROVED AS TO CONTENT:



R. Alan Shubert, P.E.
City Engineer

THE STATE OF TEXAS §
 §
COUNTY OF EL PASO §

OVERHEAD ELECTRICAL EASEMENT

For and in consideration of the sum of One Dollar and No/100 (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, the City of El Paso (Grantor) grants unto El Paso Electric Company (Grantee), its successors and assigns, the right and privilege to enter and erect, relocate, construct, operate, remove, inspect, access, and maintain an overhead electric system consisting of any and all necessary poles, cables, lines, wires, crossarms, guys and anchors for an above ground electric distribution and/or transmission system, together with the overhang of service wires, with the right of access, ingress, and egress, thereto for the installation, construction, operation, inspection, repair, maintenance, replacement, renewal or removal thereof, for the distribution of electricity, for any and all purposes for which same is or may hereafter be used, over or under, upon, and along the areas identified in Exhibit "A" attached hereto and incorporated herein for all purposes, said areas being in the following described premises in El Paso, El Paso County, Texas, to wit:

A portion of Lots 11 through 17, Block 5, Golden Hill Subdivision, El Paso, El Paso County, Texas and more particularly shown on Exhibit "A" and commonly known as 1725 Arizona Avenue.

The easement consists of a 5 ft. by 206.36 ft. aerial easement, running parallel with the northerly property line of 1725 Arizona Avenue. The linear positioning for this easement occurs 141.82 feet from the centerline of Arizona Avenue and Cliff Drive.

With the right to trim any trees and flora around said electrical facilities so as to keep the electrical facilities cleared and to do anything proper and necessary to operate and maintain same.

This easement shall be for the term of the Grantee's franchise and any extension and renewal thereof by the Grantor. In accepting this easement, the Grantee agrees that upon written and reasonable request it will relocate any of its facilities located within the easement at no cost to the Grantor.

In accepting this grant, Grantee agrees that it will replace or repair, as reasonable, landscaping and paving if disturbed by Grantee's construction, maintenance or repairs of or to its facilities in and upon such easement. Grantee agrees to call for utility spotting by a third party prior to any excavation by Grantee in the easement.

Grantor reserves the right to full use and enjoyment of said property except for the purposes herein granted. Grantee agrees not to interfere with any structure or tangible personal property of Grantor within the easement. Grantor agrees not to erect permanent structures or obstruct access in, over, or under Grantee's facilities.

Grantor will not be held responsible for any damage to Grantee's underground facilities from excessive erosion due to flood run-off.

Should Grantee abandon the easement, then the easement hereinabove described shall revert to Grantor or its successors and assigns. Such abandonment shall be conclusively presumed

following non-use by the Grantee for one year and with use not being resumed within sixty (60) days following receipt of notice of abandonment from Grantor to Grantee, and on such abandonment, Grantee will then execute any and all necessary documents to evidence such abandonment.

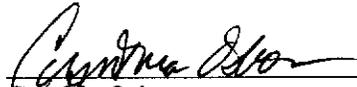
Grantee shall maintain the surface over the length and width of the easement to the satisfaction, as reasonable, of Grantor and in accordance with applicable City Code provisions.

WITNESS THE FOLLOWING SIGNATURES AND SEAL on the dates entered below.

**GRANTOR:
THE CITY OF EL PASO**

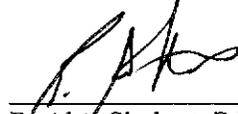
Joyce A. Wilson
City Manager

APPROVED AS TO FORM:



Cynthia Osborn
Assistant City Attorney

APPROVED AS TO CONTENT:



R. Alan Shubert, P.E.
City Engineer

ACKNOWLEDGMENT

THE STATE OF TEXAS)
) s.s.
COUNTY OF EL PASO)

This instrument was acknowledged before me on the _____ day of _____, 2011
by **Joyce A. Wilson as City Manager of the City of El Paso.**

Notary Public, State of Texas

The above instrument, together with all conditions thereto is hereby accepted on the date entered below.

Reviewed and Approved.
Legal Department

GS
1/21/11

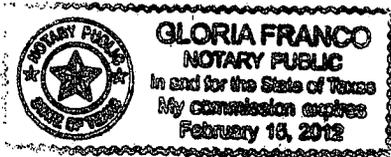
GRANTEE:
EL PASO ELECTRIC COMPANY

By: [Signature]
Printed Name: Steven P. Busser
Title: Vice President - Treasurer & CFO

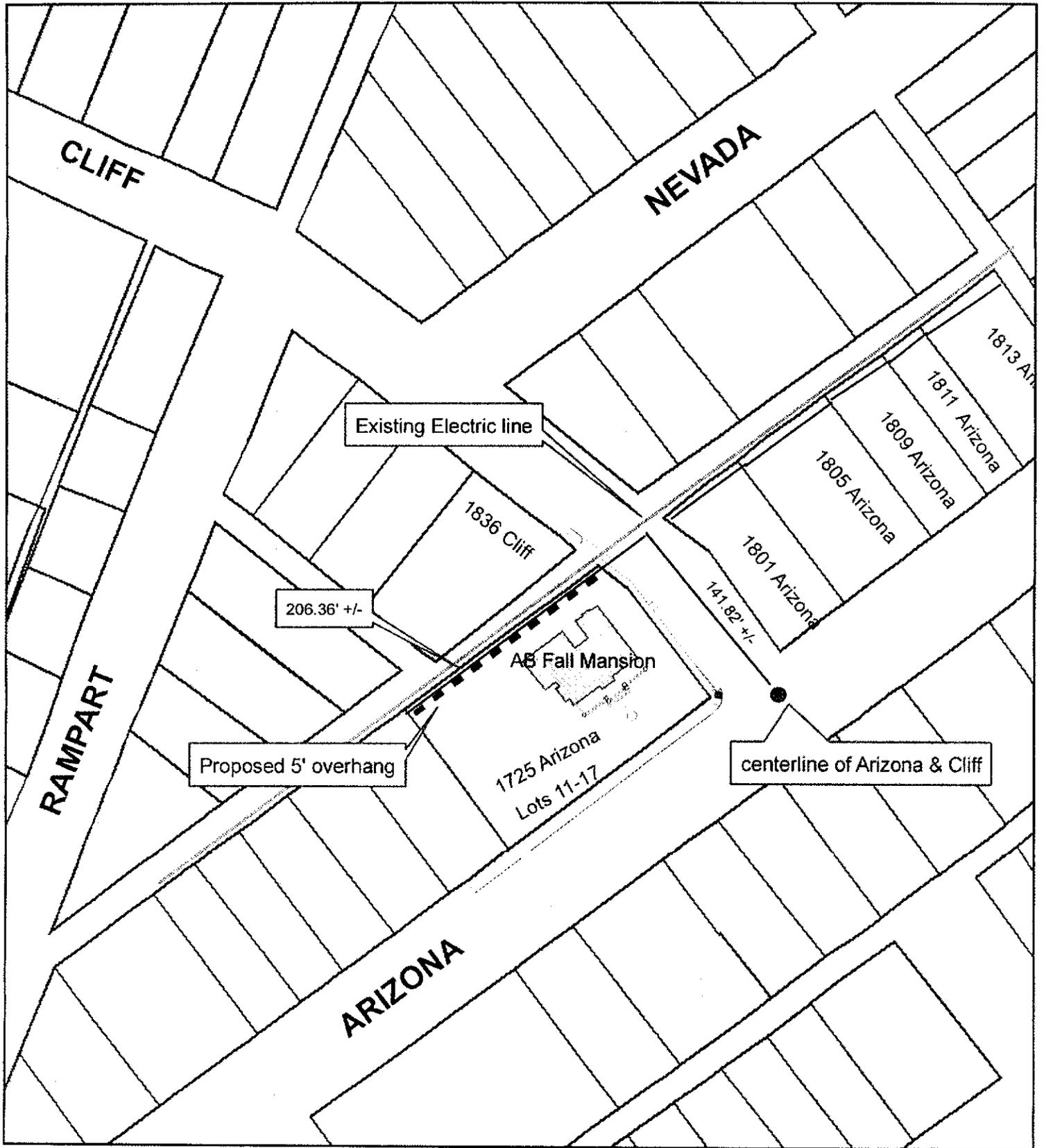
ACKNOWLEDGMENT

STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument was acknowledged before me on the 21 day of July, 2011 by Steven P. Busser as VP-Treasurer & CFO of El Paso Electric Company, on behalf of the El Paso Electric Company, a Texas corporation.



[Signature]
Notary Public, State of Texas



LEGEND

----- PROPOSED EPE CO.(OH) 5 FT. UTIL. ESMNT.

Return to
 El Paso Electric Co.
 P.O. Box 982-Loc 501
 El Paso, Texas 79960



EL PASO ELECTRIC CO. R.O.W.
 A PORTION OF:
 LOTS 11 TO 17,
 BLOCK 5,
 GOLDEN HILL SUBDIVISION
 EL PASO COUNTY, TEXAS

SCALE: NONE
 DATE: 7/7/2011
 W.O. #DT014750

Exhibit A